THE MADRID CSCE REVIEW MEETING: PHASE IV INTERIM REPORT

By The Staff
of the
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

March 23, 1982

J892-2

THE MADRID CSCE REVIEW MEETING

The Fourth Phase - February 9 to March 12, 1982

Chapter	Page
Overview	1
Background to the Session	2
Procedural Debate	2
The Debate on Poland	3
Continuing Western Condemnations	4
Negotiations at a Standstill	4
Moves Toward Agreement	5
The Western Achievement	6
Final Plenary	6
Prospects for Phase V	7

OVERVIEW

The fourth session of the Madrid Meeting of the Conference on Security and Cooperation in Europe (CSCE) adjourned on Friday, March 12 with a decision to resume the negotiations on a balanced and substantive concluding document on Tuesday, November 9, 1982. This decision to recess the meeting came following a hectic weekend of round the clock negotiations from March 5 to 7. The heated procedural battle which led up to the adjournment decision began Friday, March 5, when the NATO allies -- in light of continuing repression in Poland and unabated human rights violations in the Soviet Union -- launched a move to decrease the number of working sessions in order to undercut the Soviet effort to get the proceedings back to "business as usual." The wrangling over the agenda ended on Monday, March 7 when the Soviet Union, in exchange for Western agreement to one more week of working sessions acceded to Neutral demands for a recess beginning March 12. The continuation of the negotiations was put off until November, 1982, by which time, it is hoped developments in Poland and the Soviet Union will have improved.

This phase of the 18-month long Madrid Meeting opened with a plenary session on February 9, 1982 with the Foreign Ministers of the NATO countries, including Secretary of State Haig, in attendance and united in condemning the Polish imposition of martial law as a violation of the Final Act. The Foreign Ministers unequivocally placed the blame for the repression in Poland squarely on the shoulders of both the Polish authorities and the Soviet Union. Despite procedural roadblocks thrown up by the Soviets, Western and neutral Foreign Ministers continued to speak out on Poland at the subsequent plenary session of February 12. The importance of the Polish crisis for the CSCE process was graphically demonstrated by the fact that this marked the first occasion since the 1975 signing of the Final Act itself that a majority of the Foreign Ministers of the participating states had attended a CSCE session.

In the remaining weeks of Phase IV of the Madrid Meeting, the proceedings remained deadlocked. Because of the unrelenting repression in Poland, the Western allies refused to resume negotiations on a concluding document embodying new agreements and, instead, concentrated their attention on citing the massive violations of the Final Act committed by the Soviet Union and its Eastern friends. The Soviet strategy, on the other hand, was to try to force a return to negotiations -- "business as usual" -- despite Poland and to refuse to agree to end or adjourn the meeting until that objective was achieved. At the same time, neither side wanted to be seen as responsible for the resultant stalemate and for thwarting the CSCE process. In the end, the realization that the Western allies were not going to be coerced back to the negotiating table, combined with the prospect of continuing criticism of their conduct in Poland and elsewhere, evidently convinced the Soviets of the futility of continuing the meeting at this time.

BACKGROUND TO THE SESSION

The December 13 imposition of martial law in Poland and the subsequent massive repression brought the third phase of Madrid to a close on December 18 without agreement on the 36-page compromise draft of a concluding document which had been proposed by the Neutral and Non-aligned (NNa) countries. The only agreement reached was to meet again in Madrid starting February 9.

While all NATO countries recognized that a return to business as usual at Madrid in February was out of the question, there were nuances in approach among the allies to the new session. The United States, Canada and some West European countries believed that this session of Madrid should be used to criticize violations in Poland and then be recessed as soon as possible to avoid the appearance of conducting normal negotiations. Other West European countries at least initially preferred to keep the meeting going in order to keep the pressure on Poland and to avoid giving the impression that the West was responsible for cutting off the East-West dialogue. Differences in approach at the outset were largely eliminated through bilateral discussions between the allies and by the maladroit procedural maneuvering of the Soviet delegation aimed at reducing the impact of Western criticism.

In the weeks prior to the resumption of the session, the Eastern countries, wishing to split the Western alliance and draw a curtain over the Polish crisis, let it be known that they proposed to conduct negotiations at Madrid and viewed the NNa draft concluding document as an acceptable basis for those negotiations and for eventual agreement. At the same time, the East solemnly warned that it would not tolerate any discussion of the Polish situation as this was completely beyond the purview of the meeting and constituted unwarranted interference in Poland's internal affairs. The Polish Deputy Foreign Minister went so far as to threaten that if the Polish crisis was raised by the West, his delegation would boycott the meeting -- a threat which was not carried out.

PROCEDURAL DEBATE

When the Madrid meeting re-opened on February 9 in a customary closed plenary session, Poland was in the chair according to the alphabetical rotation system in place from the pre-Christmas phase. The Polish chairman, having already stirred a controversy over the order of speakers, attempted to cut the plenary session short in order to limit the number of speeches attacking the military crack-down in his country. After representatives of nine countries had spoken -- including Secretary Haig and the Foreign Ministers of five Western countries (Belgium, Germany, Canada, Italy and Spain) -- the chairman tried to adjourn the session until the next plenary, scheduled for February 12, on the grounds that the session had reached its mandated length.

This action left the Foreign Ministers of at least seven other countries, including France, still waiting to take the floor. The Polish maneuver provoked a lengthy procedural debate, with the Western countries challenging the chairman's right to halt discussion when countries, already inscribed on the speaker's list, still desired to speak. Heretofore, it had been standard CSCE practice to keep meetings going as long as necessary to accommodate all who wished to speak during a given session.

The net result of the Eastern stalling tactic, which lasted seven hours, was to give added impetus to Western unity. The East's tactics also clearly alienated several NNa Foreign Ministers, especially the Swiss, who declared that the February 9 spectacle had strengthened his government's doubts that substantial work on a concluding document could take place during this phase of the meeting.

THE DEBATE ON POLAND

As expected, the speeches of Secretary Alexander Haig and the other NATO ministers condemned, in sharp terms, the imposition of martial law in Poland and the Soviet Union's role in these events. Secretary Haig attacked "the forcible suppression of the Polish search for freedom...and for self-determination," stressing that this repression, "part of a broader pattern of Soviet lack of restraint," threatened the very basis of the CSCE process. He declared that Soviet and Warsaw Pact military demonstrations and the "palpable fear" of Soviet military intervention had been repeatedly used to intimidate the Polish people. He emphasized that the participating states could not "pretend to build up the structure of peace and security here in Madrid while the foundation for that structure is being undermined in Poland." How, he asked, could the signatories return to negotiation as usual on new provisions, while existing obligations were being so blatantly ignored and violated? Belgian Foreign Minister Leo Tindemans, speaking for the ten members of the European Community, stressed that while the EC countries continued to support the Helsinki process, new agreements at Madrid were inconceivable while martial law existed in Poland. West German Foreign Minister Hans Dietrich Genscher condemned the repressive actions of the Polish authorities and alluded to Soviet efforts to subvert Polish self-determination. The Polish imposition of martial law, in his view, "cast a dark shadow" over the CSCE process.

Condemnations of the events in Poland continued during the plenary session on February 12. The anticipated Soviet bloc effort to again raise procedural objections did not materialize due to last-minute behind-the-scenes agreements worked out by the NNa countries. All speakers were permitted to have their say. Soviet and other Warsaw Pact representatives refused throughout to address the substance of Western accusations, declaring their resolute opposition "to any discussion at Madrid of what the NATO representatives call the situation in Poland." Soviet delegation

head and Deputy Foreign Minister Leonid Ilychev insisted that there was no political, legal or moral basis for the Polish situation to be a subject of discussion at Madrid. This position, however, did not prevent him from attacking the United States for a host of alleged sins -- none of them falling within the purview of CSCE -- including supporting "Israeli aggressors", providing military aid to El Salvador, cooperating with the Pinochet regime in Chile and backing South Africa's "racist regime." Ilychev also accused the United States of organizing "political, economic and ideological diversions" against Poland.

CONTINUING WESTERN CONDEMNATIONS

With the departure of the NATO Foreign Ministers, the work of the meeting resumed in a less publicized atmosphere. The West, particularly the United States, continued its attack on Eastern violations of the Final Act, including events in Poland and Afghanistan and human rights abuses. U.S. Ambassador Max Kampelman delivered a series of hard-hitting speeches, beginning with one on February 10 dealing with illegal Soviet use of chemical and biological warfare. Subsequent speeches by Kampelman provided detailed analyses and criticisms of the situation in Poland and various aspects of continuing Soviet human rights violations. Other allied delegations followed a similar strategy, attacking the whole gamut of Eastern violations. At least two or more Western delegations spoke on some aspect of Eastern non-compliance in nearly every plenary, which were held twice weekly and, in the last week, three times.

NEGOTIATIONS AT A STANDSTILL

While this unrelenting stream of allied condemnations of Soviet behavior continued in the plenary, the NATO countries agreed to keep silent in the twice weekly drafting groups in order to demonstrate convincingly that negotiations in the NNa draft concluding document were neither possible nor appropriate while the crisis in Poland continued. Furthermore, there was a feeling among both the NATO and NNa countries that the atmosphere of tension and distrust which permeated East-West relations in general, and the Madrid Meeting in particular, could result in the unraveling of already provisionally-agreed upon language in that document. On the other hand, concern was also felt that discussions of the NNa paper or the introduction of very tough amendments, could lead eventually to a return to negotiations rather than to the adjournment which the Western countries sought.

MOVES TOWARD AGREEMENT

At the end of the fourth week of the meeting, the NATO countries determined that the protraction of this phase of the Madrid Meeting, could only result in the loss of credibility both for the Western position of not doing business as usual and for the public image of the CSCE process. Recalling the December 18th agreement of the 35 delegations that this phase should finish "within one month", the NATO allies resolved in early March not to agree to working programmes after the fourth week which could give the impression of business as usual.

This was accomplished by insisting that the schedule for the fifth week contain two plenary meetings only, rather than the usual full panoply of plenary, drafting groups and informal heads of delegation meetings favored by the Soviet Union and its Eastern allies. In response, the Eastern countries countered with a demand for a full schedule of meetings. The ensuing confrontation over the agenda began at 11:00 a.m. in the plenary meeting of Friday, March 5 and did not end until 4:30 a.m. the next day with an agreement to resume the discussion on Monday, March 7. Informal negotiations involving the U.S. and USSR, and with the neutral countries playing a compromise role, continued over the weekend until unofficial agreement was reached Monday morning on adjournment and a tentative date for resumption in the fall. A key role in these negotiations was played by Commission Staff Director and Deputy Head of the U.S. Delegation, R. Spencer Oliver, who in the absence of Ambassador Max Kampelman (who was in Washington), represented the United States.

Although, on the surface, the agreement reached was based on a face-saving compromise -- adjournment in return for a full schedule of meetings during the final week -- in reality, the decision represented a considerable success for the U.S. which had long looked favorably on the idea of an early recess and no negotiations during this phase of the meeting. Given the situation in Poland, the U.S. and its allies had decided at the beginning of this session that the only course open was to concentrate their attention on exposing massive Soviet and East European violations of the Helsinki Final Act - in Poland, primarily, but also in Afghanistan and in the area of human rights. The strategy of the Soviets and their allies, on the other hand, was to try to deflect attention from developments in Poland on the grounds that these matters were not germane to the meeting. At the same time, they attempted to persuade the other participants to resume the negotiations where they were left off in December.

THE WESTERN ACHIEVEMENT

The Western allies were remarkably successful in achieving their twin objectives of expressing concern over Poland and preventing the resumption of serious negotiations. In fact, Western criticisms of the Polish situation and other Soviet violations during this period included some of the strongest and most direct language ever heard in CSCE meetings, as well as some of the harshest denunciations of the Soviet political, social and economic system heard in any diplomatic forum.

What finally persuaded the Soviets to agree to an adjournment when all their speeches and propaganda were still proclaiming the possibility and necessity of resuming negotiations is open to conjecture. Certainly the heavy and unrelenting barrage of Western criticism was a major factor as was the firm refusal of the West to be drawn into negotiations. The failure of the Soviet and Polish representatives to convince other delegations of any significant improvements in the Polish situation was undoubtedly another factor. In addition, the danger which mounting East-West polemics posed for the preservation of the CSCE process -- a particular concern of the neutral and non-aligned countries -- also must have figured into the Soviets' calculations.

In the midst of these concerns, the Soviets were apparently caught off guard and put on the defensive by the surprise Western initiative to force a showdown on the working agenda. However, in the final analysis, the decisive element for the Soviets was most likely the unusually firm display of unity, patience and perseverance which the NATO allies demonstrated throughout the meeting. Unable to crack this Western determination and facing nothing but further criticism over Poland, Afghanistan and human rights, the Soviets and their allies finally had to agree that no progress was possible at Madrid in the current international atmosphere.

FINAL PLENARY

In order to underscore the importance of the CSCE process and to highlight the need for progress when the meeting reconvenes on November 9, Foreign Ministers from three NNa countries (Austria, Yugoslavia and Cyprus) attended the final plenary session on March 12. The meeting, under the chairmanship of Yugoslav Foreign Minister Josip Vrhovec, was the scene of continued East-West controversy over Poland and human rights violations despite the efforts of the NNa countries to put as good a face on the present status of the Madrid meeting as possible. U.S. representative Max Kampelman, as well as several other allied heads of delegation delivered strong speeches condemning the continuing repression in

Poland and human rights abuses throughout Eastern Europe. In his speech, Ambassador Kampelman claimed that Soviet repression of human rights had taken place on a scale unsurpassed in recent years and underscored the need for improvements in the situation in Poland and Afghanistan in order for real progress to be achieved in the next phase of the meeting this fall.

Ambassador Kampelman said, "In the regrettable event that we cannot reach an agreement when we reconvene in the autumn, there will be only one reason for our inability to do so. It will be the fact of continued and repeated severe violations of the Helsinki Final Act. It will be due to the continued use of Soviet military power to subjugate its neighbors--directly, as in Afghanistan; and by blatant pressure which forces others to choose repression rather than compromise and conciliation, as was their method of dealing with the aspirations of the Polish people for greater freedom and dignity."

PROSPECTS FOR PHASE V

When all the speakers had been heard the plenary then agreed that the meeting will reconvene on November 9, "in order to complete work at the earliest possible time with the adoption of a substantial and balanced concluding document on the basis of RM-39 (the NNa draft concluding document)."

Nevertheless, as Ambassador Kampelman stressed in his final plenary speech, it is unlikely the next phase of the Madrid meeting will be able to make much progress towards the adoption of a balanced and substantive concluding document along the lines of the NNa draft, unless real improvements have been made in the situation in Poland and Afghanistan. If such progress is not possible before the end of the next phase (presumably, Christmas 1982), other alternatives will have to be considered. While there is presently little support for a short, Belgrade-type concluding document containing only an agreement to disagree, it may eventually appear preferable to another unpromising session of the Madrid Meeting in 1983. After all, when Phase V opens in November, 1982, it will have been more than two years since the beginning of the Madrid Meeting in September, 1980, making the Madrid review meeting longer than the entire Geneva negotiations which resulted in the Helsinki Final Act itself.

Whatever the state of East-West relations and the situation in Poland in November, 1982, it can be expected that the Soviet Union and its allies will approach the next phase of the meeting just as they approached this one -- declaring their intention to end Madrid successfully by negotiating a balanced and substantive concluding document, irrespective of developments in Poland, Afghanistan, human rights or their performance in implementing other areas of the Final Act.

It remains to be seen whether the passage of time will produce a softening in Western attitudes and public opinion if the situation in November, 1982 is as bad as it was during the last session and as it is today. Yet, if Phase V of the Madrid Meeting ends as inconclusively and in such sharp disagreement as Phase IV, the CSCE process will be in grave danger of losing all credibility as a useful mechanism for the improvement of East-West relations.